



UNIVERSITY OF TORONTO

FACULTY OF LAW

Internationally Trained Lawyers Program



LEGAL PROCESS, PROFESSIONALISM & ETHICS (LPPE)

FIRST YEAR 2012-13

VOLUME2

FALL 2012

Professor Ayelet Shachar

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UNIVERSITY OF
TORONTO
FACULTY OF LAW

LEGAL PROCESS, ETHICS, AND PROFESSIONALISM (LPPE)
First Year 2012-2013

PROFESSOR AYELET SHACHAR

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This course provides an introduction to legal process, professionalism and ethics, with special emphasis on civil litigation. The adversary system is considered from competing perspectives and alternative models of dispute resolution are compared. Topics covered with respect to civil litigation include standing, intervention, limitation periods, discovery and privilege, multi-party litigation, and class actions. We will also examine the doctrines of territorial jurisdiction, *forum non conveniens*, and choice of law. A recurring focus of the course will be the economics of litigation, access to justice, and the rise of transnational and cross-border litigation. Special emphasis will be placed on addressing the fundamentals of legal process and legal ethics in a broader theoretical context.

The course will consist of three parts. The first part will provide an introduction to the rise of the legal profession, civil litigation, alternative dispute resolution, and procedure matters. The second part will focus on the civil litigation process. In this context, we will analyze the most revolutionary form of litigation to emerge in the last century – class proceedings, which provide a means of addressing certain harms for which conventional litigation is inappropriate. The focus, during all of these discussions, will be on the rationales for the rules, standards, and doctrines that govern legal procedure, in light of the various interests that must be accommodated: the plaintiff's desire to be heard, the defendant's wish to avoid needless litigation, the efforts of non-parties to have their interests represented, the needs of potential future litigants to have the law clearly set out on the basis of accurate information, and the public's demand for an effective and efficient system. Not all of these demands can be accommodated at the same time. We will discuss the rationales for the current system and the potential for reform. The third and final part of the course will highlight the new frontiers of legal process, focusing on the relationship among domestic and international law and justice.

This course will include an intensive week on Legal Ethics and Professionalism. The intensive week will bring together the entire first-year class and esteemed members of the profession to discuss professionalism and various ethical issues. During this week, all other classes will be suspended, except for students’ small groups (which will be re-scheduled to Monday morning).

Reading Materials

The reading material is assembled in a course packet, *Legal Process, Ethics & Professionalism*, 2 volumes, edited by Professor Shachar (Faculty of Law, University of Toronto, 2012). The course packet is available for purchase at the bookstore in the basement of the Law School. Additional copies will be placed on short-term reserve at the Bora Laskin Law Library and are available on Blackboard.

Evaluation

Attendance and class participation (which will include a short commentary paper of up to 1000 words to be submitted once during the term) (10%) and a two-hour open-book final examination (90%), which may include an essay to be completed in advance and turned in with the final exam.

1. INTRODUCTION TO THE COMMON LAW SYSTEM AND CIVIL JUSTICE

1.1 The Rise of the Legal Profession

Rosalie Silberman Abella, “The Law Society of Upper Canada: Professionalism Revisited,” October 14, 1999.....1

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